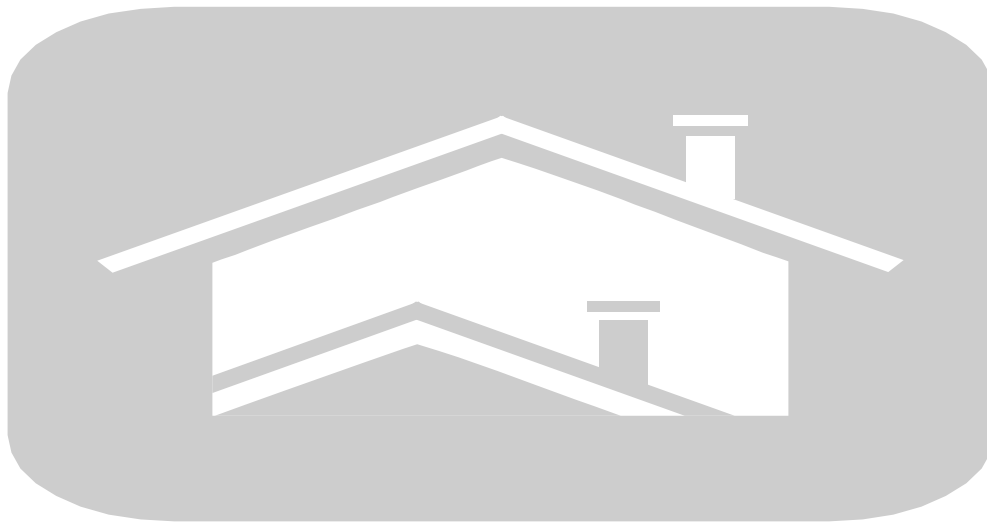


Orchard Valley Homeowners Association

LANDSCAPING & EXTERIOR IMPROVEMENTS MANUAL



*This Manual should be retained as an important part of your **homeownership** documentation and provided to the buyer of your real estate property in the event of its sale*

Published by the Orchard Valley Homeowners Association Architectural Review Committee following the provisions set forth in The Declarations of Covenants, Conditions, Restrictions and Easements for Orchard Valley Subdivision Unit-1.

FOURTH EDITION (2004)

PUBLICATION

NOTICE & ACKNOWLEDGEMENTS

The 2004 Edition of The Orchard Valley Homeowners Association Landscaping & Exterior Improvements Manual effectively attaches to each property owners' real estate title, pursuant and consistent with the provisions stated within The Declaration of Covenants, Conditions, Restrictions and Easements for Orchard Valley Subdivision Unit-1 and any/all related documents.

This 2004 *edition replaces the original, first and second edition.* However, this in no way invalidates, contradicts, alters or reduces the restrictions set forth in the previous edition nor shall it be deemed to alter, invalidate, amend or supersede The Declaration of Covenants, Conditions, Restrictions and Easements for Orchard Valley Subdivision Unit- 1 or any related, attachable documents.

This 2004 edition expands and further defines the subject matter contained within the original edition. Although every effort was made to insure the accuracy of the information conveyed in this third edition. Any omission or errors identified within this manual will not alter the intended meaning or release any Orchard Valley Homeowner from the requirements set forth herein.

Delivery of a copy of this manual to each Orchard Valley residence will be considered constructive notice, although the lack of such notice shall not alter the enforceability upon each homeowner, as provided under, but not limited to, section 4.3, paragraph 1, page 13 of The Declarations of Covenants, Conditions, Restrictions, and Easements for Orchard Valley Subdivision Unit -1.

The Architectural Review Committee of Orchard Valley wishes to acknowledge all members of our community that volunteered their time and expertise, in order to make this manual a reality.

Any Orchard Valley Homeowner can volunteer to serve in some capacity with the Homeowners Association. If interested, please direct your correspondence on this or any related matter, to the following address:

Orchard Valley Homeowners Association
C/O Alpha Management Services, Inc.
625 North Elmwood Drive
P.O. Box 4482
Aurora, Illinois 60507

Phone: (630) 892-8823

FOURTH EDITION (2004)

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1 Architectural Review Committee Procedures

1.1 Objectives of Architectural Guidelines

This document's objective is to guide homeowners, residents and members of the Architectural Review Committee in maintaining and enhancing Orchard Valley's environment. The guidelines described in this booklet address improvements for which homeowners most commonly submit applications to the Architectural Review Committee (ARC). They are not intended to be all-inclusive or exclusive, but rather to serve as a guide to what is permissible. The specific objectives of this booklet are:

- To increase residents' awareness and understanding of the Covenants, Conditions, Restrictions and Easements.
- To focus on all exterior alterations made by owners.
- To describe the organizations and procedures involved with the architectural standards established by the Covenants.
- To illustrate design principles that will aid residents in developing exterior improvements that is in harmony with the immediate neighborhood and the community as a whole.
- To assist residents in preparing an acceptable application to the ARC.
- To relate exterior improvements to the plans for Orchard Valley Homeowners Association.
- *To provide uniform guidelines to be used by the ARC in reviewing applications.*

1.2 Protective Covenants

The basic authority for maintaining the quality of design in Orchard Valley is founded in the "Covenants, Conditions, Restrictions and Easements", which are a part of the deed to every property in the Orchard Valley Subdivision. The intent of Covenant enforcement is to assure residents that the standards of design quality will be maintained. This, in turn, protects property values and enhances the community's overall environment. Every Orchard Valley property owner received a copy of the Covenants at closing. All too frequently, the homeowner does not read this information. Since these Covenants "run with the land", they are binding on all owners, whether or not they have been read. They should be periodically reviewed and fully understood. The Covenants established the Orchard Valley Homeowners Association and the ARC.

1.2.1 Disclosure Packet

A Disclosure Packet as required will be completed and issued to the lot owner, upon written request prior to the closing of the sale of your home. This disclosure packet provides information on the current status of assessment payments and on the existence of any architectural violations. Additionally, it will contain a copy of the "Declaration of Covenants of Homeowners Association of Orchard Valley" and a copy of the "Covenants, Conditions, Restrictions and Easements".

Any exterior alteration, which has been made since the builder completed the approved plan, must have an approved ARC application in the lot file for that address. Lack of an approved application constitutes a violation.

The disclosure packet helps to protect the future buyer against unknown problems with past owner's architectural changes. If everything is in order, it also protects the seller from potential lawsuits involving violations of the Covenants by subsequent owners.

To obtain a disclosure packet for your property, send a written request to the Association's Management Company.

Orchard Valley Homeowner's Association
C/O Alpha Management Services, Inc.
P. O. Box 4482
625 North Elmwood Drive
Aurora, IL 60507-4482

Phone: (630) 892-8823

1.2.2 Nonconforming Issues

An inspection of the property will be made by the ARC Chairperson and/or an ARC member to verify all improvements meet the ARC approvals on file for the property prior to the release of the disclosure documents.

Items found not to be in compliance with the Covenants or ARC approvals will be noted on the disclosure documents. This will apply to existing improvements, which are not compliant; landscaping that has not been completed to the minimum standards set forth in Declaration of Covenants or other exterior items found to be in disrepair.

The selling homeowner will have the option of:

Rectifying the compliance issue(s) before the transfer of ownership of the home or;
Have the fair market value of the cost of services and materials to correct the compliance issue(s) withheld at the time of closing. These funds will be held until the documented issues are satisfactorily resolved and the ARC provides a release.

If the homeowner elects to utilize the fair market value method, the ARC will determine the costs required, utilizing the services of an outside vendor, to bring the issue into compliance.

The lump sum amount of these costs will be held as a deposit or placed into an escrow account, in care of Alpha Property Management. These funds are to be placed in escrow at the time of closing if the issues remain uncompleted.

Once the noncompliance issue(s) have been resolved and verified by the ARC, the funds will be released to:

- The Seller, if the Seller performs the corrections at their expense.
- The Buyer, if the Buyer performs the corrections at their expense.
- The Orchard Valley Homeowners Association, if the association performs the corrections at the Association's expense.

1.3 The Role of the Orchard Valley Homeowners Association and the ARC

The role of the Orchard Valley Homeowners Association, of which every homeowner is a member, is not only to own and maintain open space, but also to conserve and enhance the resources of the total community.

The Association accomplishes these functions in a variety of ways, one of which is by ensuring, through the ARC, the retention of harmonious, though diverse, design qualities of the community. Surveys of planned communities' show that providing this insurance is reflected in the preservation and enhancement of real estate values and is of prime importance to residents.

The ARC performs its task of ensuring aesthetic quality of the homes and their environment by establishing and monitoring the architectural review process.

The ARC ensures that proposed exterior alterations comply with the objectives set forth in the Covenants. This involves regular review of all applications for exterior alterations submitted by residents.

1.4 What Changes Must Have ARC Approval

Article VI (4.2) of the Declaration of the "Covenants, Conditions, Restrictions and Easements" explicitly states that all exterior alterations require the approval of the ARC.

It is important to understand that ARC approval is not limited to major alterations such as adding a room or deck to a house, but includes such items as changes in color and materials, etc. Approval is also required when an existing structural item is to be removed.

Each application is reviewed on an individual basis. There are no "automatic" approvals, unless provided for specifically in these Guidelines. A homeowner who wishes to construct a deck identical to one already approved by the ARC is still required to submit an application.

1.4.1 Application Submittal

The application submittal provides information, which may be useful in determining the scope and detail of the proposal. As a courtesy, you may want to include the signatures of all adjoining homeowners to indicate their awareness of the proposal. All information requested in these Guidelines must be completed on the application as specified; otherwise the application will be considered incomplete and will be returned.

All documents i.e. drawings, site plans, photographs, etc. submitted with an application become part of the association's permanent record of the property file. Homeowner's are cautioned not to submit their only copy of a document, as it cannot be returned once acted upon by the committee.

1.4.2 Site Plan

A site plan is required as part of most applications. A site plan is a scaled drawing of your lot (site), which shows the exact dimensions of the property, adjacent properties if applicable, and all improvements, including those covered by the application. Contour lines are required where drainage is a consideration. In most cases, the site plan for single applications should be developed from the plat plan provided to you when you purchased your home. Applications that are more complex may require larger scale (20- or 10- scale) blowups of the plat plan of city-approved development or site plans.

1.4.3 Review Procedures

All applications will be filed either with an ARC member or through the management company address listed below:

O.V.H.A. Architectural Review Committee
C/O Alpha Management Services, Inc.
P. O. Box 4482
625 North Elmwood Drive
Aurora, IL 60507-4482

Phone: (630) 892-8823

The ARC will check each application for complete information. If information that is pertinent for the review of the application is missing, the incomplete application will be returned.

If the ARC determines that the application is complete, the review process begins.

- The application will be reviewed by a quorum of the ARC at its next scheduled meeting.
- The ARC must act upon all applications within thirty (30) days of receipt. The date of receipt is defined as:
 - If mailed, when the Management Company of the Orchard Valley Homeowners Association turns over the application to the chairperson of the ARC.
 - If presented by a homeowner to an active member of the ARC, when the application is brought to the next scheduled ARC meeting.
 - In either case, the application will be date stamped as received
- Applicants with special cases that require an interpretation will be notified and asked to be present for the meeting concerning their case.
- A letter to the address on the application will convey the decisions of the ARC, whether or not the applicant attends the meeting.

The applicant must realize the ARC decision is not binding until thirty (30) days after receipt to allow time for the appeal process.

1.4.4 Appeal Procedures

An appeal procedure exists for those affected by an ARC decision: the first appeal is to the ARC; a second appeal can be made to the Board of Directors.

- To initiate the appeal procedure, the applicant or other affected resident must submit a written request to an ARC member for an appeal to be addressed within thirty (30) days of the applicant receiving the ARC decision.
- The ARC must review the appeal at the next regular ARC meeting, following receipt of the appeal.
- The homeowner may make a final appeal to the Board Of Directors.

1.5 Review Process

The ARC evaluates all submissions on the individual merits of the application. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the housing type and the individual site, since what may be an acceptable design of an exterior in one instance may not be in another. Design decisions made by the ARC in reviewing applications are not based on any individual's personal opinion or taste. Judgments of acceptable design are based on the following criteria, which represent in terms that are more specific the general standards of the Covenants:

1.5.1 Validity of Concept.

The basic idea must be sound and appropriate to its surroundings.

1.5.2 Design Compatibility.

The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.

1.5.3 Location and Impact on Neighbors.

The proposed alteration must be compatible with the landscape, the existing structure and the neighborhood. The primary concerns are access, view, sunlight, ventilation and drainage.

1.5.4 Scale.

The size (in three dimensions) of the proposed alteration must be compatible with adjacent structures and surroundings. For example, a large addition to a small house may be inappropriate.

1.5.5 Color.

Color may be used to soften or intensify visual impact. Parts of the addition that are similar to the existing house such as roof and trim, must be matching in color.

1.5.6 Materials

Continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials of the original house. For instance, horizontal wood siding on the original house should be reflected in an addition. On the other hand, an addition with wood siding may be compatible with a brick house.

1.5.7 Workmanship.

The quality of work should be equal to or better than that of the surrounding area. Poor practices, besides causing the owner problems, can be visually objectionable to others.

1.6 Amendments to the Architectural Guidelines

These Guidelines may be amended to provide clarification, or to reflect changed conditions or technology. The ARC will conduct an annual evaluation of the Guidelines to determine if amendments are required. Owners may submit to the ARC written requests for changes to the Guidelines. Upon review, the ARC will make a recommendation to the Board of Directors. Amendments will require final adoption by the Board of Directors.

1.7 Covenant Compliance Procedures

The Declaration of Covenants (Article V, 5.2 Enforcement) requires the Board of Directors to ensure compliance of all lots within Orchard Valley Homeowners Association. The Board of Directors has adopted the following enforcement procedures:

- Upon receipt of a written or documented verbal complaint to the Property Manager from a homeowner, the Board of Directors will acknowledge the complaint promptly via a letter from the Property Manager
- The Board of Directors will consider the validity of the infraction in terms of the rules in the Covenants, and decide the appropriate resolution.

Included in the enforcement are improvements both not submitted and **NOT** approved by the ARC or improvements not installed in accordance with a previously approved submittal.

IN THIS CASE THE ARC WILL SEND A NOTICE TO THE HOMEOWNER THAT THE ITEM MUST BE BROUGHT INTO COMPLIANCE WITHIN THIRTY (30) DAYS FROM THE DATE OF THE LETTER OR THE ISSUE WILL BE FORWARDED TO THE BOARD OF DIRECTORS.

Items not installed in accordance with previously approved plans or installed without prior approval can in extreme cases, at the discretion of the Board of Directors, be ordered removed at the homeowner's expense.

1.8 Exterior Maintenance Requirements

Homeowners are responsible for maintenance of all structures and grounds on their property. This includes, but is not limited to, such items as mowing grass, removal of trash, structural maintenance and overall appearance. Violations of maintenance standards are violations of the Covenants. Dumping of debris or lawn clippings on common areas/open space is prohibited.

THE HOMEOWNER IS ALSO RESPONSIBLE TO KEEP GROWTH AND VEGITATION FROM INFRINGING ONTO ADJACENT PROPERTY, SUCH AS LIMBS AND BRANCHES FROM TREES AND PLANTS. THIS INCLUDES SIDEWALKS BETWEEN THE CURB AND PROPERTY LINE AND PUBLIC UTILITY INSTALLATIONS.

1.8.1 Dwelling and Structures

Residents are responsible for maintaining the exterior of their dwellings and any other structures on their lots, such as decks, fences and playground type equipment.

While it is difficult to provide precise criteria for what the Association deems as unacceptable conditions, the following cases represent some of the conditions, which would be considered a violation of the Covenants:

- Peeling paint on exterior trim.
- Playground equipment which is either broken or in need of repainting.
- Dented, loose, damaged or missing siding.

Most residents would not allow any of the above conditions to exist, as they seek to preserve and protect their investment in their homes and to limit their personal liability by keeping all improvements on their lots in good condition. The Association expects that residents will do all maintenance necessary to prevent any of the cited conditions from occurring in Orchard Valley.

1.8.2 Mowing

Turf areas need to be mowed at regular intervals, maintaining a maximum height of six inches. Planted beds must be kept in a neat and orderly manner.

1.8.3 Lawn and Garden Fertilization

Special care should be taken not to over fertilize or to fertilize lawns and gardens where there is a chance of harmful runoff.

1.8.4 Trash Removal

Residents are responsible for picking up litter on their property as well as for debris on the open space, which originated from their property.

1.8.5 Erosion Control and Drainage Management

Residents are responsible for seeing that their lots are protected from erosion, and that storm drain structures are not blocked so as to cause additional erosion problems. Residents are responsible for maintaining proper drainage through their property, and for not blocking or hindering natural drainage from adjoining properties.

1.8.6 Pesticides and Herbicides

Pesticides and herbicides may be applied according to label instructions for the specified problem. Emphasis should be placed on organic/biodegradable materials to ensure the least harm to the natural environment. Care in application is extremely important. Avoid the use of pesticides and herbicides if at all possible, but when necessary, use with caution and follow instructions.

2 Exterior Improvements and Structural Changes

2.1 Major Exterior Changes

Major alterations are generally considered those that substantially alter the existing structure by either subtraction or addition. Major building alterations include, but are not limited to, rooms, screened porches, garages, driveways, decks and fences. Several types of changes may be combined on one application.

The design of major alterations should be compatible in scale, materials and color with the applicant's house and adjacent houses. The location of major alterations should not impair the views of adjacent properties.

Pitched roofs must match the slope of the roof on the applicant's house.

New windows and doors should be compatible with the type used in the applicant's house and should be located in a manner which will relate well to the location of exterior openings in the existing house.

If changes in grade or other conditions that will affect drainage are anticipated, they must be indicated. Approval will be denied if adjoining properties are adversely affected by changes in drainage.

Construction materials must be stored so that impairment of views from neighboring properties is minimized. Excess material should be immediately removed after completion of construction. No debris may be allowed to accumulate during construction.

Applications are required for all exterior changes to property or house.

2.1.1 Application Contents

In most cases, only a single application is required and should include:

- Site plan showing location of proposed structure and relationship to property lines and adjacent houses.
- Detailed drawings and plans that include exterior elevations and dimensions. A full set of architectural drawings must be included for some changes.
- Description of materials, including such items as type of siding on dwelling and proposed structure, colors, exterior lighting arrangements, etc., where applicable.
- Landscape plans, including size and type of plants as well as number to be planted.
- Estimated start and completion date.
- A duplicate of those documents required for a City of Aurora Building Permit.

2.2 Fences

Fences should be appropriate for its intended purpose. For example, a "privacy fence" has different design considerations from a fence that is used to define property boundaries. Listed below are suggestions, which may be helpful in selecting a fence style, related to your primary fencing needs:

- **Property Separation:** Where the homeowner's goal is property separation or definition, but not privacy, an "open" fence is appropriate. Open fences provide visual definition of property boundaries without obstructing views, but should only be used where necessary in light of the open space concept of Orchard Valley described previously.

- Security: Security fences where privacy is not a factor can be the "open" type, and for special cases, wire mesh attached to the inside lower rails would be allowed. Screening by plantings to soften the effect may be necessary. Property line fences may not be counted on to provide security for dogs.
- Privacy: A privacy fence means an enclosure or freestanding barrier, most often thought of as surrounding a small patio area or family usage space. A privacy property boundary fence is not allowed within the Orchard Valley Subdivision.

Special privacy needs of the individual may be met by one of the following:

- Plant a natural screen or hedge.
- Install patio or small section fencing screens.
- Install a privacy wall as per the guidelines.
- Install property line fence as per the Guidelines with landscaping.

All of the above suggestions also require approval before installation.

2.2.1 Privacy Wall

A privacy wall differs from a fence in that it does not enclose the property (i.e., at least one side must remain open on the property or the enclosure is considered a fence and must conform to the existing standard for fences.

- A privacy wall cannot be more than 8' tall as measured from ground level if any part of the enclosure touches the ground. If attached to a rear deck, the wall cannot be more than 6' above the deck floor.
- In the event that a privacy wall is both attached to a rear deck and reaches ground level, the height of the structure must equal to the lesser of the two measurements. (i.e., if allowing the structure to be 6' above the deck floor causes it to be more than 8' above ground level, the 8' restriction applies).
- Privacy walls must be made of pressure treated lumber and may be treated with clear preservative or stained with a translucent or opaque colored "earth tone" stain.
- If attached to a rear deck, the finish of the privacy wall must be the same as that of the deck.
- The style of privacy wall will be approved on a case-by-case basis.

Applications must include:

- A drawing of the wall and its style, height specifications.
- A plat indicating the location of the wall within the property.

2.2.2 General Guidelines

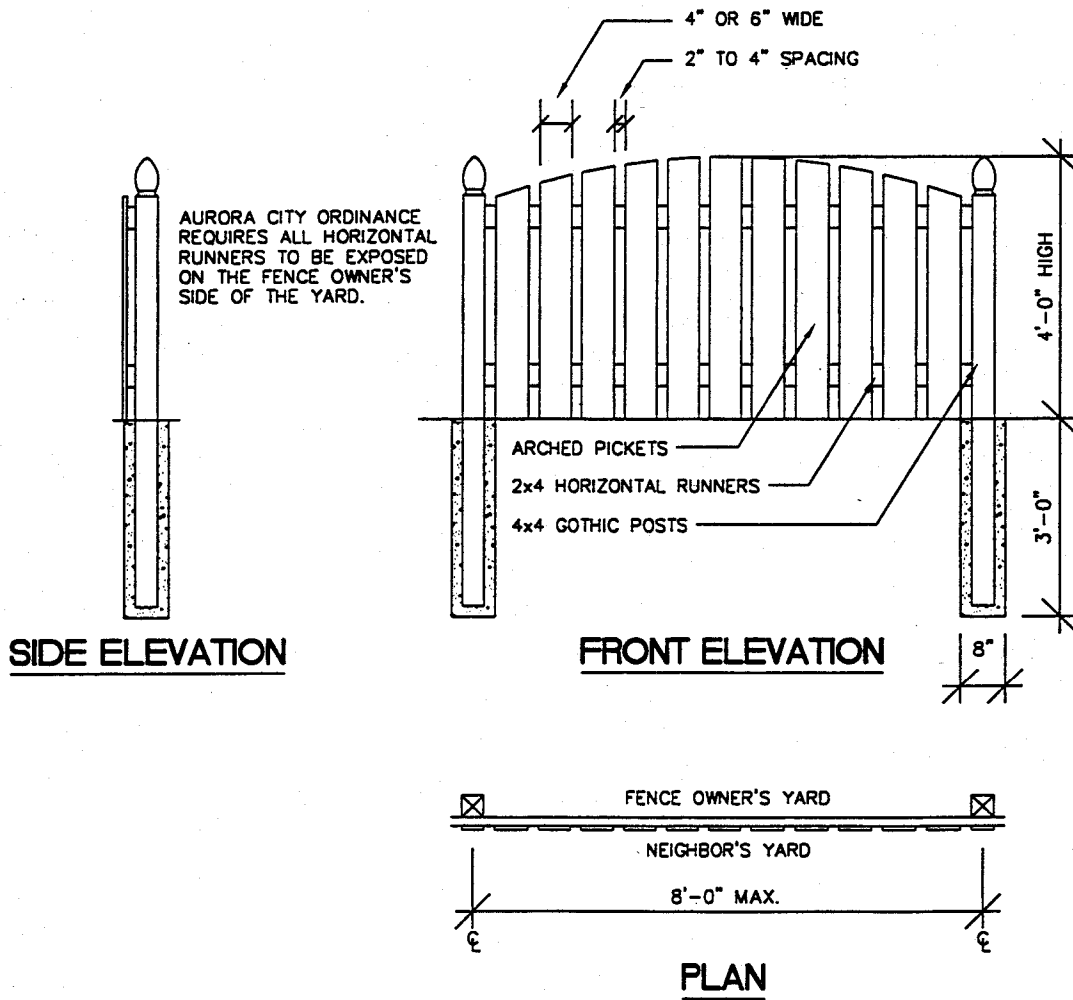
An application is required for all fencing. In general, fencing should not extend forward of the back corners of the house. Side yard fences are not permitted in Lots located in Parcel 14 (*Section 4.10 (B) Fence Restrictions*). Fences cannot extend into front yards.

- Fencing will be installed with the finished side facing out towards the neighboring homes.
- Rear yard fencing will extend perpendicular from the rear corner of the home to the side property line then proceed to the rear property line, optionally enclosing along the rear property line.
- Side yard fences will extend perpendicular from the side of the home to the side property line then proceed to the rear property line, optionally enclosing along the rear property line.
- Gates to match will be allowed between the home and side yard and where the rear property lines adjoin common area.
- Fencing will be contoured to grade (not stepped).
- Lawn maintenance around the fence is the sole responsibility of the homeowner.

Note: A fence placed on or over an easement defined in the covenants may be temporarily removed without prior permission of the homeowner. (Section 3.3 Easements for Utilities and Public Services)

2.2.3 Materials and Specifications

- All *Property Boundary* fences will be constructed of Cedar or Copper/Napthenic treated rough sawn wood. Chain-link fencing is not allowed.
- The fence style approved for property boundary fences is a rolled arch picket with 4" X 4" gothic posts. See Figure 1 for drawing of the approved fence style.
- Boards must be between 4" (four inches) and 6" (six inches) in width.
- Spacing between boards must be no less than 2" (two inches) and no more than 4" (four inches).
- Runs between upright posts are not to exceed 8' (eight feet).
- Maximum height is not to exceed 4' (four feet).
- Gates should be compatible with the fencing in design, materials, and height.
- Fences for any purpose other than property boundaries also require approval of the ARC.
- Fence installation techniques must meet the current City of Aurora code.
- Color must be maintained through the life of the fence. A natural graying effect is not acceptable. Use of clear weather sealers such as Thompson's, Flood CWF or equivalents are recommended.
- Translucent and opaque colored "earth tone" stains may be used on a fence. Use of a colored stain also requires approval of the ARC. Once a colored stain has been approved, the same color must be maintained through out the life of the fence. Any change of color will require approval from the ARC



2.2.4 Approved Fence Style

2.3 Patios, Decks and Gazebos

Patios, Decks and Gazebos should be located in rear yards. Front or side yard locations are not permitted.

When patio or deck schemes include other exterior changes, such as fencing, lights, plantings, etc., other appropriate sections of these Standards and Guidelines should be considered during the completion of the application.

2.3.1 All Decks and Gazebos

- All deck posts; frames and joists are to be constructed with Cedar or Pressure Treated Grade No. 2 or better lumber.
- All decking and handrails are to be constructed with Cedar or Pressure Treated Grade No. 2 or better lumber.
- Open space under a deck in excess of 6" (six inches) must be screened from view. Screening will consist of either Cedar or Pressure Treated Lattice panels or decking material colored to match the rest of the deck.
- All decks must stay within the building setback lines established by the City of Aurora.
- Decks or patios built on "Golf Course" Lots must maintain a thirty (30) foot distance from the adjoining golf course. (Section 4.10 (A) Lots Adjacent to Golf Course).
- All decks are required to have footings that meet or exceed the requirements of the City of Aurora Building Code.

Applications must include:

- Site plan showing the relationship of the deck to the house, lot and adjacent properties.
- A description of material to be used.
- Dimensions of railings, posts, stairs, steps, benches, and other details as required to clearly describe proposal. Include height of deck above the ground. The ARC strongly recommends using 6" x 6" vertical deck supports for decks more than 4 feet above the ground.
- Decks with supports more than five feet in height may at the resident's discretion, have landscaping around the supports to soften the impact. Landscaping shall be of a permanent nature, such as bushes or trees, and height at maturity shall be such that most or all of the height of the supports will be screened.
- Details of changes to windows or doors, if applicable.
- Estimated start and completion date.

2.3.2 Ground Level Decks and Patios

A ground level deck is defined as a deck where the top-walking surface is 24 inches or less in elevation above the ground. The ARC does not require guardrails on ground level decks. Please refer to City of Aurora requirements on Guardrails. An application is required for all patios and decks.

2.3.3 Elevated Decks

All elevated decks (higher than 24" at the highest point above grade) require guardrails. Guardrail height shall be between 36 inches and 42 inches, with either vertical pickets or two horizontal supports in addition to the top rail.

2.3.4 Polyvinyl Decking Material

The Board of Directors approved the use of polyvinyl deck material in 2001, after a three year probationary period. This material is currently in use on several homes in the Orchard Valley subdivision. The following criteria and application data should include

- All vertical posts of any handrails must include an internal steel member.
- The foundation and substructure must be constructed the same as if the deck was all wood.

2.3.5 Gazebos

- Gazebos are to be permanently attached to an approved deck or patio. Freestanding Gazebos will be considered an outbuilding and are not allowed under *Covenants Section 4.4 (B) Construction Improvements*.
- Gazebos using asphalt shingles, the color and style are to match the existing shingles used on the house.

2.4 Canopies

For the purposes of this guide and review by the ARC, a canopy is defined as a cloth covering fastened or held horizontally above a deck or patio for protection or ornamentation. Retractable cloth awnings, which are permanently attached to the home, will be considered under the definition of canopy for this guide.

Fixed (metal or cloth) awnings **are not** an approved exterior improvement. Any canopy submitted for approval must meet these guidelines:

- The size must be proportionate to the patio, deck or home. Interpretation of the relevant size will be at the sole discretion of the ARC.
- The color of the framing and fabric used must match or compliment the existing home colors.
- The fabric must be fastened to the frame in such a manner as not to be conspicuous from adjoining properties.
- The fabric should be from a regional or national manufacturer that produces fabric for this purpose.
- Standard multi-year wear and color fastness warranties are required. Copies of these warranties are to be included with the application.
- Framing members are to be made from galvanized steel or aluminum.
- Steel framing members are to be double painted with an epoxy resin cured paint or equivalent coating.
- The framing structure must be permanently and securely attached to the home, deck or patio.
- The fabric is to be attached in such a manner as to allow it to be removed seasonally.
- Canopy fabrics can not be applied to the frame members before April 1st and must be removed and stored no later than **November 1st**.
- Canopies will only be allowed in the rear of homes. Applications for canopies in any other location will not be considered for approval.

2.5 Three-season Rooms and Screened Porches

Attached three-season rooms and screened porches will be reviewed as room additions. Architectural drawings are required for all three-season rooms and screened porches.

2.5.1 GREENHOUSES ARE NOT PERMITTED, REGARDLESS IF THEY ARE PORTABLE OR A PERMANENT STRUCTURE.

2.6 Swimming Pools

Only in-ground pools are allowed.

- Swimming pools must be located in the rear of the house and approach the rear property line no closer than twenty (20) feet (thirty (30) feet on golf course lots) and the side property line no closer than ten (10) feet.
- Swimming pools must be enclosed in a fence similar to the approved property boundary style fence and must meet city requirements. Approval of the fence is contingent upon completion of the pool. Appropriate landscaping will be required to lessen the impact of the swimming pool, spa and/or hot tub and fence.
- Swimming pools shall not be more than 50% of the back yard.

2.6.1 Wading and Kiddy Pools

The following criteria should be followed:

- Pools may only be located in the back yard.
- The season for wading pools is from May 1 thru September 30.
- Pools should be inflatable or plastic. Rigid sidewall framing is not permitted.
- **EXTERIOR FILTERING SYSTEMS, ELECTRIC PUMPS OR MECHANICAL CLEANING EQUIPMENT IS NOT PERMITTED AS PART OF THE INTEGRAL PORTION OF THE POOL.**
- The pool volume should not exceed 500 gallons. The conversion for a comparable pool size is as follows:
 - (a) 6 ft x 6 ft square x 1ft-10inch deep pool, (b) 4 ft x 7 ft rectangular x 2ft-4inch deep pools or (c) 7ft diameter x 1ft –9inch deep round pool.

2.6.2 Spas & Hot Tubs

- Spas and Hot Tubs are to have a maximum capacity of six (6) adults.
- Spas and Hot tubs must be located in the rear of the house and approach the rear property line no closer than twenty (20) feet and [thirty (30) feet on golf course lots] and the side property lines no closer than ten (10) feet. Spas and Hot tubs can be installed in an approved gazebo or deck.
- Approved Spas and Hot Tubs are limited to commercially available units. Units manufactured by the homeowner are not considered acceptable.
- Installation of Spas and Hot Tubs are to be performed in accordance with the manufacturer's instruction and procedures.

Applications must include as a minimum:

- A site plan showing location and dimensions of the pool, spa and/or hot tub, other related equipment, fences, etc., in relation to the applicant's house, property lines, and adjacent dwellings.
- Detailed drawings and plans of the pool, spa and/or hot tub, deck area, lighting arrangements, walkways, fences, etc., and pertinent information concerning water supply system, drainage and water disposal system.
- Landscaping plan for outside (exterior) of fencing.
-

2.7 Recreation and Play Equipment

The desire for swings, basketball backboards, tot lots, etc., is frequently expressed. Most equipment of this sort is commercially available but is often less than pleasing in appearance. Creatively designed equipment is encouraged. The guidelines listed below are provided in an effort to reconcile the need for play equipment with the goal of minimizing its visual impact. Careful thought should be given to location and kinds of equipment to be installed.

TREE SWINGS AND TREE HOUSES ARE NOT PERMITTED.

2.7.1 Basketball Backboards

The OVHA recommends that backboards be a portable unit or one that is fixed on a post in the ground. Backboards fastened to the house or garage is NOT PERMITTED.

PORTABLE UNITS NEED TO BE REMOVED FROM THE DRIVEWAY AREA AND PLACED IN STORAGE DURING DECEMBER, JANUARY AND FEBRUARY OF EACH YEAR.

2.7.2 Location and Size

Equipment (except basketball backboards and poles) must be placed in rear yards in locations that are the least visible from the street and other houses. Basketball backboards and poles can be fixed or portable and must be placed so as to minimize the visual impact on neighbors.

2.7.3 Materials and Color

Play equipment constructed of wood is encouraged. All swing set frames, be they wood or metal, shall be painted earth tone in color (i.e., brown, dark green). Wood frames that are already a dark earth tone need not be painted. Neutral colors are preferred on wearing surfaces and accessories (i.e., canopies; other colors will be considered). Other play equipment colors will be considered, contingent upon location and landscaping.

Application Contents

- Site plan showing relation to proposed play equipment to adjacent property lines, applicant's house and adjacent houses.
- Photograph and/or sketch of proposed play equipment.
- Dimensions.
- Color and material.
- Estimated start and completion date.

2.8 Minor Exterior Changes

2.8.1 Chimneys

Chimneys may be masonry or enclosed. Enclosed chimneys must be made of the same materials and same color as the house siding.

Application Contents

A completed application requires the following information:

- Site plan showing the relation of chimney to the house, property line and adjacent neighbors.
- Picture and/or detailed drawing of chimney to include dimensions.
- Color and style of house.
- Description of materials to be used to construct chimney. If brick is being used and there is brick already on the house, then the brick colors must match.
- Estimated start and completion date.

2.8.2 Exterior Decorative Objects

Exterior decorative objects should be located in the rear of the property. The ARC may deny any request for an exterior decorative object that is located in front of the property.

Approval is required for all exterior decorative objects, including natural and manmade. Exterior decorative objects include such items as bird baths, wagon wheels, sculptures, fountains, pools, stumps, driftwood piles, boulders, free standing poles of all types and items attached to approved structures.

An application is required for exterior carpet. No exterior carpet is permitted in the front of the property. It should be noted that brightly colored carpet has an adverse visual impact on the community and is prohibited.

A completed application requires the following information:

- Site plan showing the relation of object to house, property line and adjacent neighbors.
- Picture and/or detailed drawing of object to include dimensions.
- Color and material of object.
- Estimated start and completion date.

2.8.3 Exterior Lighting and Electronic Insect Traps

Exterior lighting added to the front of a home must match or compliment existing lamp styles.

Ground level lights bordering long driveways must be unobtrusive in nature, with a black or dark green finish. Lighting in the front or rear yard must be placed so that light does not shine outside the property in a manner, which could disturb neighbors. In particular, care must be taken in arranging the angle of a spotlight. Sodium or mercury vapor lights/lamps are disallowed.

Electronic insect traps will be regulated based on the same criteria as exterior lighting. In addition, no device shall be installed or maintained in such a way as to cause discomfort to adjacent owners from noise. These devices may be operated only during those times when the owners or their guests occupy the immediate area protected by the trap.

A completed application requires the following information:

- Site plan showing the relation of the insect trap or lighting to house, property line, and adjacent neighbors.
- Picture and/or detailed drawing of the insect trap or lighting to include all dimensions and height of fixture above ground.
- State wattage of bulb to be used.
- Estimated start and completion date.

2.8.4 Exterior Painting

Color changes apply not only to the house siding, but also to the doors, shutters, trim, roofing, and other appurtenant structures. Change of exterior color should relate to the colors of the houses in the immediate area. Repainting or staining a specific object to match its original color need not be submitted.

A completed application requires the following information:

- List of all exterior colors on the house and applicable structures.
- A color sample of the new color to be used.
- Estimated start and completion date.

2.8.5 Firewood

Firewood shall be kept neatly stacked and located towards the rear of the residence, within the owner's property lines. Piles larger than three face cords require approval. A pile longer than six feet should be a minimum of two rows deep. Piles must not exceed four feet in height for safety. Firewood piles must contain firewood only, not debris.

Location should be in such a manner as to minimize visual impact. In certain cases, screening may be required.

2.8.6 Flagpoles

Permanent flagpoles must be of a height, color and location appropriate for the size of the property and background. Permanent freestanding flagpoles must be installed and maintained in a vertical position.

Applications are not required for homeowners wishing temporary flagpoles that do not exceed six feet in length and which are attached at an incline to the front wall or pillar of the house.

A completed application requires the following information:

- Site plan showing the relation of pole to the house, property line and adjacent neighbors.
- Picture and/or detailed drawing of pole to include dimensions.
- Description of material and color of flagpole.

2.8.7 Gutter and Downspouts

Gutters and downspouts must match those in existence in color and design and must not adversely affect drainage on adjacent properties.

2.8.8 Sidewalks and Pathways

New stone or brick pathways or sidewalks should be set back at least four feet from the property line where site conditions permit, and should generally be installed flush with the ground. Resurfacing or realigning existing walks also requires application.

A completed application requires the following information:

- Site plan showing the exact location of the pathway or sidewalk.
- Materials to be used including color. If using brick, type should blend with that on the house (if any).
- Method of installation plus a description of grading changes required, if any, and the resulting impact on neighbors.
- Estimated start and completion date.

2.8.9 Mailboxes

The Covenants, Section 4.13, specifies that mailboxes should be affixed to a wooden post with cross arms. The mailbox is to be of a type that has been approved by the United States Postal Service of urban size.

Other mailboxes or supports, which have been approved by the U.S. Postal Service, may be submitted for approval. Plastic, pvc or steel pipe supports are NOT acceptable.

A completed application requires the following information:

- Picture and/or detailed drawing of the mailbox to include dimensions.
- Description of material and color of mailbox.

2.9 Satellite Dishes, Wireless Cable and Television Broadcast Antennas

The Orchard Valley Architectural Review Committee acknowledges the rights of homeowners established by the Telecommunications Act of 1996, and will work closely with owners to achieve the successful installation of antennas. Exterior alteration applications pertaining to the Telecommunications Act of 1996 will be processed expeditiously.

- A "dish antenna that is one meter (39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.
- An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video-programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals.
- An antenna designed to receive local television broadcast signals. These must be placed in the attic of the home.

The Telecommunications Act Does allow a Homeowners Association to provide homeowners with a prioritized list of placements preferences so that the residents can see where the association wants them to install the antenna. Residents should comply with the placement preferences provided the preferred placement does not impose unreasonable delay or expense or preclude reception of an acceptable ground signal.

After careful consideration to the aesthetics of Orchard Valley, the Architectural Review Committee has compiled the following list of preferences.

- We recommend that the satellite dishes should be mounted on the roof of your home to deter burglary and to provide the best reception. Dishes should be installed 18 inches down from the peak of your roofline and should be centered. (The roof placement improves safety, deters burglary and allows best reception,)
- Do not install satellite dishes on chimneys so they are visible from the front or side of the home.
- If a roof mounting is not feasible, satellite dishes should be mounted on the rear of the house.
- Homeowners may NOT install satellite dishes in the front yard or the front of the house.
- Satellite dishes are NOT to be mounted on decks or fences.
- The top of the satellite dishes may NOT be mounted higher than the top of roof.
- No satellite dishes can be installed in a common area or open space.
- Satellite dishes may be painted a color to be compatible with the house color to minimize any visual intrusion on the home and surrounding property.
- All satellite dishes are to be positioned so they CANNOT be seen from the front of the home, and in case of corner lots, from the road on the side of the home except, when such locations prevent adequate signal reception.
- All wiring must be installed to enter your home where the post for the satellite dish is secured. No wires may hang on, drape over or run along your roof or sidewall of the home.
- If the position of the satellite dish is such that it is visible from front or side of the home, natural landscape screening is to be installed to block the dish from view. This landscaping must be submitted to the Architectural Review Committee for approval before the landscaping is installed.
- As with any other change to the exterior of your home, an architectural review submission must be made. As long as you followed the simple instructions above, your request for an exterior change will be approve.

Please review these preferences with your installer before they mount your new satellite dish. If your installer is unable to mount your dish in a location that satisfies the Architectural Review Committee's preference, have the installer provide you with a written statement as to why the Association's preferences could not be met. Retain this statement for your records and provide a copy to the Architectural Review Committee for the homeowners' file.

2.9.1 Application Contents:

- Plat of the property showing the location of the antenna in relation to the applicant's home and existing site improvements.
- Picture and/or drawings of the satellite dish including dimensions and mounting details.
- Color of the satellite dish, its components, and the color of the house siding, roof and trim.
- Estimated start and completion dates.

2.9.2 When Criteria Is Not Met

The Association reserves the right to approve applications in locations other than those set forth if the antenna would not receive sufficient signal strength for adequate reception in any of the above settings.

In such a case, the applicant shall state in the application, (1) the problem with the signal strength and, (2) the desired alternate location.

Under such circumstances, the Association shall review the alternate location proposed to ensure that it is necessary to afford sufficient signal strength for reception and would cause the least amount of visual intrusion in the neighborhood. The Association may require the applicant to install a harmonizing visual barrier, such as lattice or landscaping, around the device in order to diminish any adverse visual effect.

3 Landscaping Improvements

3.1 Landscaping

Landscaping of your property is an important element of your home. A well laid out and planned landscape plan not only blends your house into your surrounding property, it also adds to the value of your home.

Your overall landscaping plan of your property should include the following elements:

- Shrubs
- Trees
- Ground Coverings
- Lawns
- Flowers

When submitting landscaping plans for approval, your plan is to be submitted on a plat of survey, which shows:

- Planting areas.
- Plantings in relation to the property boundary lines.
- Drainage easements.
- Type of plantings to be used including name and number to be used.
- Notations of existing plantings.
- Materials to be used for the borders of planting beds.
- Ground covering material if other than mulch.
- Location and foot print of existing structures.
- Changes in grade if applicable to your design.

While planning your landscaping, refer to the following requirements, recommendations and restrictions prior to submitting your plan for approval.

3.1.1 Required Landscaping

The ARC in coordination with the Board of Directors, require two elements of landscaping. These two requirements are mainly applicable to new homes being occupied for the first time. It will be the responsibility of the homeowner to maintain these two features during their ownership of the property.

The areas of the front, side and rear yards without structures, patios or other planting areas are to be covered with a lawn. This can be accomplished with either seeding or sodding.

The front elevations of the home are to have their exposed foundation surfaces screened from view by some form of shrubbery.

It is the desire of the OVHA that homeowners complete these two elements within 90 days of occupancy of the home or the first subsequent planting season if weather conditions do not permit within the 90 days.

3.1.2 Trees and Other Plantings

Trees and shrubbery selected for your property should be of a mature stock, indigenous to the area and maintained in their natural or intended shape or form. The OVHA encourages the planting of at least one shade or ornamental tree in the front yard of all properties. This tree should be in addition to the tree required in the parkway area.

Ornamental trees should be used as vertical elements in the overall landscape design at corners of the structure and to soften long blank walls.

Trees planted in the common area between the sidewalk and street must be maintained and pruned by the respective property owner. The lowest portion of any branch must be at least six feet and six inches (6'-6") above the sidewalk.

Care should be taken on the selection of trees and shrubs for a given area. A tree too large for its area can take over the area if it is not given enough room. Removing an oversized tree can be quite expensive for a homeowner.

3.2.1 Placement of Trees and Shrubs

When selecting placement of trees within your property, keep in mind the diameter of the tree when mature. Evergreens such as firs, pines and spruces can have a mature diameter of over fifteen (15) feet. Trees such as this should be placed so they do not extend over the property boundaries when mature.

In addition, consideration needs to be made on whether the tree when mature will adversely impact the view of other property owners.

Blockage of the golf course's view will be considered on plans submitted for owners of "Golf Course Property" Lots. As specified in the covenants, (*Section 3.8 (E) Easements for Golf Course Property, Landscaping Restrictions*) trees and shrubs planted within thirty (30) feet of the Golf Course, should conform with the overall landscaping plan of the golf course. The Fox Valley Park District maintains an easement of light, air and view for the benefit of the golf course, over this 30' portion of "Golf Course Property" lots. The ARC recommends plantings, which are less than four (4) feet in height, be utilized in this area. Proposed plantings in these areas that will exceed 4' may require inspection of the site to ensure that it will not adversely impact the view of other property owners before approval can be granted.

Shrubs and trees should not be placed within a drainage easement if when mature, it can block or redirect the flow of water within that easement.

The City of Aurora restricts the placement of plantings, which interfere with, or obstructs sight lines at the intersection of a driveway, road or street. (Section 4.6 Landscaping Approval)

3.3 Planting Areas

The ARC encourages the use of planting beds to contain your landscaping items. These areas should extend away from the foundation and be used as islands. By use of planting areas in this fashion, greater depth will be achieved with your overall landscape design.

Planting areas should either slope back to the finished grade of the area or they should be bordered by either a landscaping block or landscaping timber. The type of border material should be included on your landscaping submission.

Once the ARC has approved a planting area, replacement or maintenance of the plantings in the area will not need further approval from the ARC unless:

- The new plantings will exceed thirty-six (36) inches in height when mature.
- The planting area is expanded or altered in size or shape.
- A border is added which does not have an exposed surface exceeding twelve (12) inches in height above grade.

3.4 Contouring – Site Grading/Slope

Any additional contouring of a given lot should be done with extreme care to avoid altering the general characteristics of the terrain. Additionally, the homeowner will need to assure that the changes will not affect any storm water run-off. When your lot was graded after construction, a grading plan was submitted and approved by the City of Aurora. This grading was established to ensure storm run-off would be carried to the lot boundaries and towards an engineered drainage pattern. The City governs this drainage pattern.

No berming or raised planting beds will be permitted within any established drainage easements on your property. These easements are typically 3' – 5' on side yards and 10' on rear yards. Review the location and size of these easements on your plat of survey before submitting plans, which include berms, raised planting beds or changes in contour. Plans, which entail any of these elements, may require City of Aurora approval before construction can begin.

3.5 Retaining Walls

The use of retaining walls to achieve dramatic grade transitions and landscape effects is encouraged by the ARC. Such walls are effective and aesthetically pleasing when they are constructed of natural materials such as stone, granite boulders or precast concrete landscaping blocks.

Proposed materials should be in harmony with that of the residence exterior colors and reflect a natural appearance.

No retaining walls will be permitted within any established drainage easements on your property. These easements are typically 3' – 5' on side yards and 10' on rear yards. Review the location and size of these easements on your plat of survey before submitting plans with retaining walls.

Retaining walls within 30' of the golf course may be disapproved based on their size and location. As specified in the covenants, (*Section 3.8 (E) Easements for Golf Course Property, Landscaping Restrictions*) any fence or wall within thirty (30) feet of the Golf Course, should conform to the overall landscaping plan of the golf course. The Fox Valley Park District maintains an easement of light, air and view for the benefit of the golf course, over this 30' portion of "Golf Course Property" lots.

3.6 Ground Cover

Natural organic materials should be utilized for bed mulching and dressings (shredded hardwood bark, as an example).

Additionally, a living ground cover such as Pachysandra or Vinca provides excellent cover while providing a year round green effect.

The use of mulch or a living ground cover does not require prior approval of the ARC.

Round surface natural stone is also an accepted type of ground cover. Crushed stone, stone with coarse broken edges, is not acceptable for ground cover. If a homeowner desires to use stone as a ground cover, the type and color of the stone needs to be submitted with the landscaping plan for approval.

4 Conditionally Approved Products and Features

As new materials and improvements are made available, the ARC will review applications for these items on a conditional basis. The ARC will publish a time period to evaluate a proposed material or feature before such item is added as an acceptable improvement or material.

Homeowners who intend to utilize items placed in this category must realize, depending on the outcome of the trial period, they may have to remove the trial material or structure if it is found to be unacceptable to the ARC and Board of Directors.

During this trial period, the ARC may limit the number of homeowners who are approved to use trial items.